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SUITE 370
ALEXANDRIA, VA 22314

In re Application of: SHIROGANE, et al.
Application No. 10/629,813
Filed: July 30, 2003
For: STORAGE SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED
EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the Request for Reconsideration filed January 27, 2005, on the Petition to make Special under 37 C.F.R. § 102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, originally filed on August 5, 2004 and dismissed on November 22, 2004.

The Reconsideration of Petition is **GRANTED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;
- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

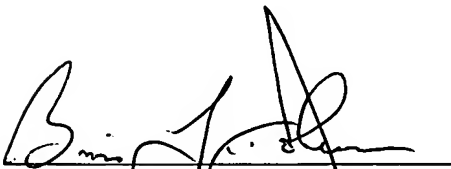
A phone interview was held between Sy Luu (Examiner) and Mr. Carl Brundidge (Attorney) representing the Applicants, on April 14, 2005, to discuss the misrepresented distinctive features of the claims over the references deemed most closely related to the subject matter as described in the detailed discussion of the references of the Petition. A follow up phone interview by same to finalize the discussion was held on April 15, 2005. In order to perfect the Petition regarding distinguishing features as recited in the claims over the references, Applicants' representative agreed to the clarifications of the recited features as set forth below, which are not taught or suggested by the Biessner reference, as well as by other identified references.

The present invention as recited in claims 1-4 are not taught or suggested by Biessener being that the present invention provides a management unit for managing FEC redundancies each provided for a transmission partner, an encoding unit for carrying out an FEC encoding process on a packet group, which has been subjected to a TCP/IP conversion process by referencing a redundancy held in the management unit for transmission partner, and a decoding unit for carrying out an FEC decoding process on packet group received from the network.

Further, the present invention as recited in claims 5-20 of the present invention differs from that taught by Biessener in that each of the claims recites some form of carrying out an FEC encoding process. For example, claims 5-7 and 13-15 recite carrying out an FEC encoding process on iSCSI-layer data, claims 8-11 recite carrying out an FEC process, which is based upon FEC redundancy provided for a data communication partner, on data to be transmitted, and claims 16-19 recite carrying out an FEC process, based upon an FEC redundancy cataloged for the specific data-communication destination, on data to be transmitted.

Petition to Make Special is **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) have been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with the procedures set forth in M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.



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